

EXHIBIT 14

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MINNESOTA

IN RE: PORK ANTITRUST
LITIGATION

Case Number:

0:18-cv-01776
JRT-HB

This document relates to
all actions.

Rule 30(b)(6) and Rule 30(b)(1)

Video Deposition of

TAYLOR COX

Thursday, June 2, 2022

9:25 a.m.

Job No. 845664

Reported by: Laurie Donovan, RPR, CRR, CLR

1 to, to indicate, to inform what packers are
2 required to report.

3 When they, when they began reporting, as
4 I said, the statute prescribes four daily reports,
5 a prior-day report, a slaughter report, and then
6 an AM and a PM purchase report. Those are
7 submitted to AMS an hour before the report is
8 released, by statute.

9 For example, the -- this morning's
10 purchase report comes out at 11:00 a.m. Central
11 Time. The packers have to have the data to us
12 covering the prior period of reporting by
13 10:00 a.m. We receive the data. It goes through
14 our systems, aggregation, et cetera, and then we
15 release the data at the end of that hour, four
16 times a day on the hogs. All the other
17 commodities are primarily twice daily, not
18 including the weekly reports, et cetera.

19 Q So the, the reports in this green box,
20 it's saying they get broken out by -- these hog
21 reports get broken out by time of day that the
22 purchase or sale of the hog has occurred; is that
23 right?

24 A Correct.

25 Q And morning, afternoon, prior day.

1 They also get broken out by region; is
2 that right?

3 A Correct.

4 Q So that means where the hog was bought
5 or sold?

6 A Yes. It's -- as you can see the regions
7 here, we report -- we aggregate the data into a
8 national basis as well, and then -- in addition to
9 where the hogs are, are purchased. So you see,
10 for example, Iowa/Minnesota hogs would be those
11 hogs --

12 Q Why --

13 A -- from that region.

14 Q Why report out in this level of detail
15 and specificity? Why, why do it so frequently,
16 morning, afternoon?

17 A Well, we're required by law to do it
18 this frequently is my first response to that. I
19 mean the statute -- I'm sure you've spent plenty
20 of time in reviewing. It's quite prescriptive,
21 specifically on swine, so it, it prescribes to us
22 our reporting frequency.

23 Q And do you, do you have a view as why
24 the -- why you're required to report by region?
25 Is it because hog prices and hog markets can vary

1 in different parts of the country?

2 MR. RISSMAN: Object to form.

3 MR. SIMON: Object to form.

4 Outside the scope as to the, this witness'

5 opinions.

6 BY MR. RUGE:

7 Q Do you have a personal view, as a USDA

8 witness not representing USDA, as to why? In your

9 experience in all your years in AMS marketing and

10 the livestock industry, is there -- are there

11 different markets for hogs in different parts of

12 the country that make reporting by region

13 valuable?

14 MR. RISSMAN: I object to form. It

15 calls for expert testimony, and it's outside

16 the scope of the, the notice. There is no

17 30(b)(1) notice.

18 (Reporter clarification.)

19 BY MR. RUGE:

20 Q You can still answer.

21 MR. SIMON: And this, this is

22 Mr. Simon here. You can answer as an, as an

23 individual agency employee, not as a 30(b)(6)

24 designee.

25 THE WITNESS: In my opinion, the

1 reason we report in region -- as I mentioned
2 earlier, our agency's primary mission is to
3 help assist with the efficient marketing of
4 livestock products of, of a lot of
5 commodities, livestock specifically here
6 we're talking about today.

7 When you report swine, in this case
8 in an Iowa/Minnesota or a western region,
9 those producers within that region are either
10 marketing there or contemplating marketing
11 there. As I mentioned when I was describing
12 our LMR reporting on the hogs, we, we, we
13 report a national, national aggregate,
14 sometimes you will see in, within the region,
15 price differentials, basis national or Iowa/
16 Minnesota versus western.

17 So it's really just a,
18 historically, a producer-driven want to see
19 I'm raising a product in the state I'm in or
20 the region I'm included in, and when I sell
21 said product, to see that reported, to see
22 that transparency is why we have the
23 regionality.

24 BY MR. RUGE:

25 Q Right. So a farmer, a hog farmer in

1 Minnesota is going to be more interested in the
2 demand for hogs in Minnesota than in California?

3 MR. RISSMAN: Object to form, and
4 it calls for expert testimony.

5 MR. SIMON: I'm going to object to
6 form as well. Subject to the objection, the
7 witness can answer.

8 (Whereupon, reporter reads
9 requested material.)

10 THE WITNESS: I can't speak for hog
11 farmers in Minnesota, of course, but as I
12 described, producers within the state or
13 region certainly have interest in seeing
14 market transparency within said state or
15 region. I couldn't speak to a Minnesota
16 producer. I couldn't gauge their level of
17 interest of what they would have in
18 California, for example.

19 BY MR. RUGE:

20 Q No problem. So page -- let's turn to
21 page 3. There's an example, Daily Direct Hog
22 Prior-Day-Purchased Swine report.

23 Is this one of the many reports that get
24 published every day by AMS about hog purchases?

25 A It is.

1 Q So can you help me understand some of
2 the terms that are used here.

3 So I'm seeing this broken out by
4 producer-sold and packer-sold, and then it's
5 broken out by prior day, a week ago, a year ago.

6 Are those -- and that's current volume,
7 is that it, that's sold or purchased?

8 A Correct. In this case, when you're
9 talking about swine reporting, these are all
10 purchases, the sales we cover, the product sales
11 on the meat side, so correct. This is -- for
12 example, producers sold -- negotiated 8,145 head
13 as the volume sold for that reporting period, the
14 covered period.

15 Q And what does it mean to be a
16 packer-owned hog?

17 A Yeah, those are swine that are
18 historically defined by and, and defined in
19 statute by packers owning those 14 days prior,
20 immediately prior to slaughter.

21 Q A packer is a processor of meat; is that
22 right?

23 A Correct.

24 Q And packers can sometimes own their own
25 hogs that they process?

1 not sure how they quantify that. I assume
2 positive or negative.

3 BY MR. RUGE:

4 Q Yeah, it's just -- I'm just -- it might
5 seem like an obvious question --

6 A Yeah.

7 Q -- because it is. It's --

8 A I mean it's --

9 Q -- not meant to --

10 A It's a --

11 Q -- elicit any -- it's just meant to say
12 that providers can use this to decide how many
13 sows, which just means they can decide to have
14 more sows or fewer sows based on this information,
15 right?

16 MR. RISSMAN: Same objection.

17 MR. SIMON: I'm going to, I'm going
18 to also object at this point. I mean asking
19 the witness, who's said he doesn't have any
20 knowledge beyond what's stated in the
21 document itself, repetitive questions about
22 the same line in the document, I don't think
23 he needs to be spending his time.

24 BY MR. RUGE:

25 Q You can answer if you understand.

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1 A Yeah, I, I understand the question.
2 I'll just reiterate. It's a sister program. I
3 have awareness of the library. I can't speak
4 specifically what is meant by that, but it is -- I
5 agree it is stated there, they can decide how many
6 sows to breed.

7 Q On that next sentence, "A producer may
8 use this report to decide whether to contract with
9 packers in regions where packers have fewer
10 numbers of swine committed for delivery," what's
11 your understanding, not -- just when you read
12 that, what do you interpret that to mean?

13 MR. RISSMAN: Object to form.

14 MR. BERGMAN: Form and foundation
15 objections.

16 MR. RUGE: He has no foundation?
17 He has no foundation to interpret that
18 sentence? That's your objection?

19 MR. RISSMAN: I think I stated my
20 objection. If you want to argue my
21 objection, we can stay here a little longer.

22 BY MR. RUGE:

23 Q So plaintiffs' counsel thinks you have
24 no basis for understanding this sentence. Do you
25 agree?

1 MR. RISSMAN: Object to form and
2 it's argumentative.

3 MR. BERGMAN: I'll join my learned
4 colleague's objection.

5 MR. KENDALL: The question might be
6 does he have any specialized knowledge that
7 any layperson reading this wouldn't have.

8 MS. COTTRELL: I think he's --

9 MR. KENDALL: That's the, that's
10 the sort of scope objection that I think that
11 Jeremy Simon has repeated is, you know, if a
12 document says what it says, it says what it
13 says, and if there's no basis for him to have
14 any special knowledge beyond what anybody who
15 picks it up and reads it would have, then
16 it's unclear where we go from here, because
17 it sounds like he's answered in that regard.
18 It appears to be what it says.

19 MR. RUGE: My question still
20 stands. I'm just asking him what -- how he
21 reads this sentence. It's not a sentence
22 I've asked him about before, and I'm not
23 asking him for expert testimony on it. I'm
24 just asking him how he reads it.

25 MR. KENDALL: Okay.

1 MR. RISSMAN: Form objection.

2 THE WITNESS: Well, I believe it to
3 be another tool, as I have expressed before,
4 and they've -- the division who oversees this
5 put a couple of examples down, and again, I
6 just -- I read it as, just like our volume
7 and price reporting, this swine library being
8 another tool where it has available -- it's
9 available to everyone, and they can utilize
10 it as they see, as they see fit, and this
11 division, as they write, thought that was a
12 couple of examples on how it could be used.

13 BY MR. RUGE:

14 Q Does AMS expect that packers may also
15 review this Swine Contract Library?

16 A We don't have an expectation in AMS on
17 any of our data releases as to who will utilize
18 it. If there was any expectation, it would be
19 everybody utilizes it. It's made available -- as
20 I pointed out already, it's made available to
21 everybody. It's very transparent and clear on our
22 AMS websites, so I believe the expectation is no
23 different than the price and volume reporting, and
24 that it's utilized by all. If that, if that
25 includes packers, then yes.

1 Q All right. Let's talk about trade
2 association events.

3 A Yes.

4 Q You mentioned at the beginning this was
5 one of -- I believe you said one of the ways you
6 stay up to date on what's happening in the pork
7 and hog industry.

8 Do you attend trade association events?

9 A I do.

10 Q For -- that are put on by pork
11 producers?

12 A For example, next week the National Pork
13 Producers Council will host the World Pork Expo,
14 and I will be in attendance, yes.

15 Q Okay, and why?

16 A Again, the majority of the agency and
17 specifically my program is built upon customer
18 service, whether that be grading services or
19 Market News services, and ensuring, if anybody has
20 any questions, we are just very available.

21 We, we can learn from -- you know, hard
22 data is one thing, but trying to understand, when
23 we see things in data as we're releasing it, to
24 understand trends and to try to -- so it's very
25 important that we are involved with our